

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**MARCH 5, 2012**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mrs. Charest. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

## **WE THE PEOPLE**

High School Teacher Natalie O'Brien brought several students with her to the meeting. For the sixth year, her students have won the Rhode Island "We The People" competition and will be heading to Washington, D.C. for the national competition. Ms. O'Brien was hoping the Council would be able to find some funding for the group.

**MOTION** by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to have the municipal side of town government try to find \$2,500 to donate to the students with the condition that Mr. Silvia report back at the next meeting to confirm if that is possible.

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to challenge the School Committee to come up with \$5,000 for the same cause.

## **EXECUTIVE SESSION**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to enter into executive session at 7:17 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation to discuss 1.) Sullivan v. Town of North Smithfield, 2.) Narragansett Improvement Company, et als v. Jill Gemma et als, C.A. PC08-7468, 3.) Narragansett Improvement Company, et als v. Vincent Marcantonio, et als, C.A. No. PC08-6504, 4.) Town of North Smithfield v. Narragansett Improvement Company, et als, PC08-3674, 5.) NSTA and NSASSP Contract Negotiations and 6.) MacSteel Service Centers USA, Inc. vs. Town of North Smithfield.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to come out of executive session at 9:31 P.M. and to seal the minutes. No motions were made and no votes were taken.**

### **Sullivan vs. Town of North Smithfield**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote that the attorneys representing the Town of North Smithfield in the Sullivan matter be authorized to bring forth the plan with the four options for consideration and negotiation subject to the engineering and the contingencies.**

### **MacSteel Service Centers USA, Inc. vs. Town of North Smithfield**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to authorize Attorney Mark Hadden and Town Solicitor Richard Nadeau to finalize the dismissal and release of all claims.**

**PUBLIC HEARING RE: ZONE CHANGE ON VICTORY HWY/DAS CORPORATION**

**In speaking with Attorney Richard Kirby, who represents DAS Corporation, Mr. Nadeau was told that Mr. Kirby wants to resolve outstanding issues raised by residents about Silver Pines Phases 1 and 2. A meeting has been scheduled with Mr. Kirby, Mr. Nadeau, Town Administrator Hamilton, Town Planner Robert Ericson and any interested**

**March 5, 2012**

**residents of Silver Pines to meet on March 12, 2012 at 9:30 A.M. at the Administrator's office.**

**Mr. Joseph DeMayo opposed this meeting, stating that he had issues with a prior Town Council and would like to have the meeting in open session.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 (Mr. Yazbak recused himself) on an aye vote to continue the public hearing to April 2, 2012.**

## **PAYMENT OF INVOICE TO PARTRIDGE SNOW & HAHN LLP**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on aye vote to approve payment of \$2,370.**

## **BUDGET TIMELINES**

**Budget Committee Chairman Paul Vadenais noted that the committee met with the administration to discuss the budget timeline and how it's not working. A majority of the Budget Committee members elected to leave the timeline alone because changing it would just push back the deadline that no one would meet. Mr. Vadenais understands that part of the delay comes from the School Committee request to extend its time limit to submit its budget.**

## **2ND READING ZONING ORDINANCE AMENDMENT RE: MU1 AND MU2 DISTRICTS**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move Subsection (4) from Section 12.10 Design Standards for MU 1 to Section 12.8 Density and Dimensional Standards.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to make a Section 12.9 and to reserve it for future use.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted**

**unanimously on an aye vote that Section 12.11 Design Standards for MU 2 Subsection (3)(c) be changed to “Fences, subject to the requirements set forth in Section 12.11(19).”**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to approve the Zoning Ordinance entitled Section 16 Mixed Used Districts as amended. This is the second reading.**

#### **EXEMPTION FROM NOISE ORDINANCE FOR DOWLING VILLAGE**

**There was no one present to address this.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table this matter.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote at 9:59 P.M. to extend the meeting to 10:30 P.M.**

#### **WIND ENERGY PROPOSAL**

**Mr. Ericson noted that no progress has been made on this but that the town needs to reconsider the concept of a tax exemption for renewable energy.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to table this matter.**

## **2ND READING ORDINANCE AMENDMENT RE: PUBLIC HEARINGS PRIOR TO VOTE ON COLLECTIVE BARGAINING AGREEMENTS OR PUBLIC UNION CONTRACTS**

**Ms. Hamilton noted that an ordinance requires the signature of the Town Administrator and there was no line on the document for that. She added that she will not sign it anyway unless the School Committee will adhere to the ordinance also.**

**MOTION by Mr. Yazbak and seconded by Mrs. Charest to amend the ordinance to include a signature line for the Town Administrator.**

**Roll call: Ms. Alves – no; Mr. McGee – no; Mr. Yazbak – yes; Mr. Zwolenski – no; and Mrs. Charest – yes. The motion failed 3 to 2.**

**March 5, 2012**

**MOTION by Mr. Yazbak, seconded by Mrs. Charest, and voted unanimously on an aye vote to table this to March 19th in order to post a corrected ordinance.**

## **GROUNDWATER AQUIFER PROTECTION OVERLAY DISTRICT ZONING ORDINANCE**

**When asked, Dr. Caroly Shumway, who is a member of the Ordinance Development Committee, explained that the committee is trying to get**

ordinances adopted in compliance with the Comprehensive Plan. Work on this ordinance began approximately six years ago and both it and the map needed to be updated.

**MOTION** by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to remand the Groundwater Aquifer Protection Overlay District Zoning Ordinance to the Planning Board for its review and recommendations.

#### **ORDINANCE RE: PARKING AND LOADING**

Mr. Yazbak stated that several months ago this Council had charged the Ordinance Development Committee with drafting of several specific ordinances and this did not seem to fall within that charge. He saw it as a discouragement to business.

Mr. Ericson commented that it is certainly needed by the town because there are some incorrect ratios in the existing one.

Mr. Zwolenski denied that the ordinance would be an impediment to business and suggested remanding it to the Planning Board for review. This would give Mr. Yazbak more time to read it.

Mr. Ericson stated it was the deliberate choice of the ODC to lower the minimum requirements for parking spaces in many cases because it created an unnecessary burden on multi-housing, developers and commercial uses. It is overdue as a correction and is

**pro-business.**

**Mr. Zwolenski noted this ordinance allows businesses to have fewer parking spaces so it does save them on construction costs.**

**Mr. Ericson added that it minimizes the amount of stormwater runoff that has to be managed.**

**MOTION by Mr. Yazbak and seconded by Mrs. Charest to table this matter.**

**Roll call: Ms. Alves – no; Mr. McGee – yes; Mr. Yazbak – yes; Mr. Zwolenski – no; and Mrs. Charest – yes. The motion carried 3 to 2.**

**Mrs. Charest commented that she wanted to review a particular section a little further.**

## **MUNICIPAL COURT ADMINISTRATOR**

**Town Clerk Debra Todd made the Council members aware that it was their option to appoint a Municipal Court Administrator. No one had been appointed since Police Captain Thomas Lafleur left the position.**

**Ms. Hamilton noted that Detective Sharon Pagliarini has been filling those duties. Ms. Hamilton stated the position may not be needed but she would like to do more research and check with other communities.**



**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to table the matter until the Town Administrator has time to gather facts and report back to the Council.**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 10:24 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**